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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,440

12/14/2001

Michael S. Zaharkin

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03/12/2007

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EXAMINER

BASHORE, WILLIAM L.

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

03/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/023,440

Applicant(s)

ZAHARKIN, MICHAEL S.

Examiner

William L. Bashore

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10,13-15,33 and 34.
Claim(s) withdrawn from consideration: 11,12,16-23,29,31 and 35.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). PTO-1449 - 7/13/2006
13. ☐ Other: _____.

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

March 7, 2007

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues that Wanderski does not teach instant claim 34, especially regarding partial disambiguation. The examiner respectfully disagrees. As noted in the Final Office action, one object of Wanderski is to modify an existing XML document (with an XML DTD) into another XML variation (or dialect). It is within reason that an XML document can contain at least two portions (or objects, layout areas, etc.). In addition, it is also within reason that a transformation may not require modification of all portions of a document. Since an XML DTD variant, and a base XML DTD (i.e. the original document) can contain some common base definition rules, it is well within reason that the new DTD would only act to modify portions not already in conformance with said variant DTD. Since the unaffected document portions need no modification, they are merely copied to the new document accordingly.

Applicant argues that Wanderski does not teach "selection based upon scoring of candidate paths". The examiner respectfully disagrees. Wanderski teaches redundancy reduction and default attribute values comprising reducing redundant nodes of a DOM tree, as well as keeping count of the number of times a value occurs, so as to determine a "default" value. The examiner respectfully maintains his position that since these methods of DOM alteration incorporate a form of tallying for statistical purposes, it would have been obvious to one of ordinary skill in the art at the time of the invention for the skilled artisan to keep score of the nodes so as to provide the benefit of streamlining the DOM tree for a more compact document. It is the examiner's opinion that altering/reducing redundant nodes of a DOM tree involves selection of paths (i.e. paths containing relevant nodes, etc.), the selection at least associated with scoring.

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER